

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

DAN PATRICK McCAUL,

Plaintiff,

vs.

FIRST MONTANA BANK, INC., a  
Montana Corporation; CHRIS  
DuTOIT, and Does 1 through 10,

Defendants.

CV-17-41-BU-BMM

**ORDER**

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this matter on May 10, 2018. (Doc.87). Judge Lynch recommended that the Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint be denied as moot if Plaintiff filed a Third Amended Complaint. (Doc. 87 at 3-4). Plaintiff filed a Third Amended Complaint on July 2, 2018. (Doc. 93). Defendants did not file objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

Defendants' Motion to Dismiss Plaintiff's Second Amended

Complaint (Doc. 77) is DENIED as moot.

DATED this 10th day of July, 2018.



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Brian Morris  
United States District Court Judge